

ENTERED

March 18, 2024

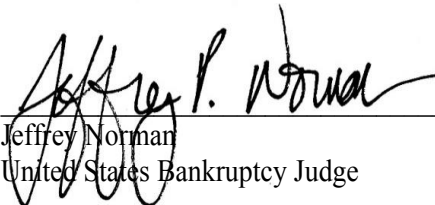
Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****IN RE:****MARK AUSTIN ROSETTA,****Debtor.**§
§
§
§
§
§
§**CASE NO: 24-30092****CHAPTER 7****ORDER DENYING MOTION TO DISMISS**

This matter is before the Court on the Motion to Dismiss Bankruptcy (ECF No. 27) filed by Woodlake Forest II Homeowners Association, Inc. The movant failed to self-calendar this matter for hearing as required by this Court's procedures.¹ Further, the Court also notes that the motion does not contain the notice required by Bankruptcy Local Rule 9013-1(b), stating the response deadline.² Finally, the Certificate of Service included with the motion is insufficient under Bankruptcy Local Rule 9013-1(d).³ As such, the motion is procedurally deficient.⁴

THEREFORE, IT IS ORDERED that the Motion to Dismiss Bankruptcy (ECF No. 27) is denied.

SIGNED 03/18/2024



Jeffrey Norman
United States Bankruptcy Judge

¹ The Court Procedures can be found at the following website: <http://www.txs.uscourts.gov/page/united-states-bankruptcy-judge-jeffrey-p-norman>.

² The Bankruptcy Local Rules can be found at <https://www.txs.uscourts.gov/page/bankruptcy-local-rules>.

³ "In addition to service required by the FED. R. BANKR. P., and except as noted in (e), the movant must serve the entities with pleadings requesting an order, notices, and hearing settings: Main case: Party against whom relief is sought and its counsel, if known; Debtors; Debtors' counsel; Trustee, if one has been appointed; Examiner, if one has been appointed; Committees, if any have been appointed; Parties who have filed a notice of appearance; Twenty largest unsecured creditors; Parties claiming an interest in any property that is affected by the motion; Parties claiming a lien on any property that is affected by the motion; United States trustee; Parties on whom the court has ordered notice."

⁴ The court stresses the importance of the required 9013-1(b) language; first, the language requires and gives notice that a response is required; second, that in the absence of a response the relief requested may be granted without further notice to you. Giving notice of a hearing without the required language does not give adequate notice to parties of a required response in opposition and that in the absence of such a response a hearing may not be held, and the unopposed relief granted.

United States Bankruptcy Court
Southern District of Texas

In re:
Mark Austin Rosetta
Debtor

Case No. 24-30092-jpn
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0541-4
Date Rcvd: Mar 18, 2024

User: ADIuser
Form ID: pdf001

Page 1 of 2
Total Noticed: 14

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 20, 2024:

Recip ID	Recipient Name and Address
db	+ Mark Austin Rosetta, 9374 Briar Forest Dr, Houston, TX 77063-1036
cr	+ WOODLAKE FOREST II HOMEOWNERS ASSOCIATION, INC., HOLTTOLETT, P.C., 9821 KATY FREEWAY, SUITE 350, HOUSTON, TX 77024-1231
12625597	+ Carlos and Lucia Guedez, 9372 Briar Forest Dr, Houston TX 77063-1036
12625596	+ City of Houston, 1400 Lubbock St, Houston TX 77002-1526
12625594	Harkor Homes LLC, 1020 W Loop N Fwy #280, Houston TX 77055
12625592	+ Harris County Tax Collector, PO Box 4663, Houston TX 77210-4663
12625598	+ Memorial Hermann Healthcare System, 929 Gessner Dr #2600, Houston TX 77024-2593
12625593	+ Woodlake Forest II HOA, 11000 Corporate Center Dr #150, Houston TX 77041-5179

TOTAL: 8

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
12625602	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 18 2024 21:02:13	Best Buy/CENA, PO Box 6497, Sioux Falls ND 57117-6497
12625595	+ Email/Text: BKBNCNotices@ftb.ca.gov	Mar 18 2024 20:58:00	CA Franchise Tax Board, Bankruptcy Section, MS: A-340, PO Box 2952, Sacramento CA 95812-2952
12625603	+ Email/Text: ecfbankruptcy@nrg.com	Mar 18 2024 20:58:00	Cirro Energy, PO Box 2229, Houston TX 77252-2229
12625599	Email/PDF: ais.chase.ebn@aisinfo.com	Mar 18 2024 21:02:01	JP Morgan Chase, PO Box 15369, Wilmington DE 19850
12625604	^ MEBN	Mar 18 2024 20:40:16	Mercantile Adjustment Bureau, 165 Lawrence Bell Drive #100, Williamsville NY 14221-7900
12625600	+ Email/PDF: ais.sync.ebn@aisinfo.com	Mar 18 2024 21:02:13	Synchrony Bank/Walmart, PO Box 7174 6, Philadelphia PA 19176-1746

TOTAL: 6

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

District/off: 0541-4

User: ADIuser

Page 2 of 2

Date Rcvd: Mar 18, 2024

Form ID: pdf001

Total Noticed: 14

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 20, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 18, 2024 at the address(es) listed below:

Name	Email Address
Allison D Byman	adb@bymanlaw.com adb@trustesolutions.net; rww.trustee1@gmail.com; cadb11@trustesolutions.net; rah@bymanlaw.com
David Keenan Berk	on behalf of Creditor WOODLAKE FOREST II HOMEOWNERS ASSOCIATION INC. dberk@holtyoung.com
US Trustee	USTRPRegion07.HU.ECF@USDOJ.GOV

TOTAL: 3